

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA GARVEY, individually and on  
behalf of others similarly situated,

Plaintiff,

v.

KMART CORPORATION,

Defendant.

No. C 11-02575 WHA

**ORDER RE JURY DEMAND**

The parties shall submit a joint statement by **NOON TOMORROW** on whether either side demands a jury trial. Plaintiff earlier made an untimely demand for a jury trial (Dkt. No. 23). FRCP 38. If plaintiff still requests a jury trial, it should file a proper motion. *See Pacific Fisheries Corp. v. HIH Cas. & General Ins., Ltd.*, 239 F.3d 1000, 1002–03 (9th Cir. 2001).

**IT IS SO ORDERED.**

Dated: October 24, 2012.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE